



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

(Head notes prepared by M. P. Burks, State Reporter.)

CITY OF DANVILLE v. ROBINSON.—Decided at Wytheville, June 20, 1901.—*Cardwell, J.:*

1. **MUNICIPAL CORPORATIONS**—*Defective sidewalks—Notice—Suit by councilman.* The fact of being a member of a city council does not *per se* charge the councilman with notice of defects in the sidewalks of the city, nor debar him from recovering damages occasioned by its neglect to repair its sidewalks.

2. **CONTRIBUTORY NEGLIGENCE**—*Question for jury—Effect of verdict.* Whether a plaintiff has been guilty of contributory negligence is a question for the jury under proper instructions from the court, and their finding will not be disturbed where the evidence is such that reasonable men might fairly differ as to whether there was such negligence or not.

3. **MUNICIPAL CORPORATIONS**—*Defective highways—Use by public—Dangers not obvious.* Travellers are not forbidden by law to use a public highway known by them to be unsafe, unless the unsafe condition is such as to make the danger obvious and imminent.

ALLISON v. ALLISON'S EXECUTORS AND OTHERS.—Decided at Wytheville, June 20, 1901.—*Keith, P.:*

1. **ELECTION**—*Inconsistent rights or claims.* Election is the obligation imposed upon a party to choose between two inconsistent or alternative rights or claims in cases where there is a clear intention of the person from whom he derives one that he should not enjoy both.

2. **ELECTION**—*Husband and wife—Bond for wife's benefit—Substitution of other securities—Gifts—Burden of proof.* Where a husband, at the time of marriage, executes his bond to a trustee for the benefit of his intended wife reserving the right to substitute other property in lieu of the bond, in whole or in part, provided she first consents thereto in writing, and at a fair value to be agreed on between her and him, and to be endorsed as a credit on the bond, the subsequent purchase by him of a small amount of stock, and the transfer thereof to her trustee will not, in the absence of such an endorsement, and of all evidence whatever of such an intention, be deemed a payment on the bond. The burden of showing such an intention is on the party asserting it.

HOFFMAN v. PLANTERS NATIONAL BANK.—Decided at Wytheville, June 20, 1901.—*Cardwell, J. Absent, Keith, P.:*

1. **NEGOTIABLE INSTRUMENTS**—*Alteration—Incompleteness—Negotiable Instrument Act.* The unauthorized change of the name of the payee of a negotiable note is a material alteration which renders the note void as to the maker. The fact that the note is incomplete, when altered, does not affect the result. Sections 124 and 125 of the Negotiable Instrument Act (Acts 1897-'8, p. 910), as to alterations of such instruments, is simply declaratory of the former law on the subject.